

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19453

AND APPROVAL OF MAP NUMBER 20513

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19453 is held by Roger and Terri Stewart.
2. Appropriation A-19453, with a priority date of July 18, 2016, authorizes the use of water for irrigation of 81.2 acres of land. The water may be diverted from Tyler Stewart Reservoir (A-19454) from a point of diversion in the NE~~1~~<sup>4</sup>NE~~4~~<sup>4</sup> of Section 14, Township 03 North, Range 02 East of the 6<sup>th</sup> P.M. in Jefferson County.
3. Pursuant to the Order dated January 10, 2017, appropriations A-19453 and A-19461 are limited to the amount of water beneficially used from Tyler Stewart Reservoir on an annual basis not to exceed an amount of 95.3 acre-feet per annum through combined use of both permits.
4. The approval of appropriation A-19453 was conditional upon the irrigation of the above land by September 1, 2019.
5. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19453 had not been irrigated by September 1, 2019.
6. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-19453 for use upon 30.3 acres of land is CANCELLED.

2. Appropriation A-19453 now permits the appropriator to divert water from Tyler Stewart Reservoir (A-19454) to irrigate the 50.9 acres of land described below and depicted on map number 20513 which is made a part of this Order.

<u>Township 03 North, Range 02 East of the</u>	
<u>6<sup>th</sup> P.M. in Jefferson County</u>	<u>Acres</u>
Section 14: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	27.3
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>23.6</u>
TOTAL	50.9

3. All terms and conditions of the approval of appropriation A-19453 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
- A. Notify the Department of any change in ownership or address.
  - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

#### ADDITIONAL INFORMATION

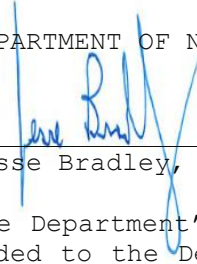
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

May 1, 2020

  
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Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20513 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20513 were mailed on May 1, 2020, to the following:

Roger and Terri Stewart  
71675 Highway 15  
Fairbury, Nebraska 68352

Tyler and Michelle Stewart  
71674 Highway 15  
Fairbury, Nebraska 68352